

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWARD B. BURGESS,

Defendant.

Case No. 19-CR-42-JPS

**ORDER**

On August 21, 2019, the parties filed a plea agreement, indicating that Defendant had agreed to plead guilty to Counts One and Two of the Superseding Indictment. (Docket #62). On October 17, 2019, Defendant filed a letter stating that he intended to plead guilty to Counts Three and Four of the Superseding Indictment without a plea agreement. (Docket #77). The parties appeared before Magistrate Judge Nancy Joseph on August 28, 2019 and October 18, 2019 to conduct plea colloquies pursuant to Federal Rule of Criminal Procedure 11 on each set of counts. (Docket #64 and #79). Taking the hearings together, Defendant entered a plea of guilty as to Counts One, Two, Three, and Four of the Superseding Indictment. *Id.* After cautioning and examining Defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Judge Joseph determined that the guilty pleas were knowing and voluntary, and that the offenses charged were supported by an independent factual basis containing each of the essential elements of the offenses. (Docket #64, #65, #79, and #80).

Thereafter, Magistrate Judge Joseph filed two Reports and Recommendations with this Court, one for each set of counts, recommending that: (1) the defendant's pleas of guilty be accepted; (2) a

presentence investigation report be prepared; and (3) the defendant be adjudicated guilty and have a sentence imposed accordingly. (Docket #65 and #80). Pursuant to General L. R. 72(c) (E.D. Wis.), 28 U.S.C. § 636(b)(1)(B), and Federal Rules of Criminal Procedure 59(b) or 72(b) if applicable, the parties were advised that written objections to those recommendations, or any part thereof, could be filed within fourteen days of the date of service of the recommendations.

To date, no party has filed such an objection.

The Court has considered Magistrate Judge Joseph's recommendations and, having received no objections thereto, will adopt them.

The Court will also vacate November 21, 2019 sentencing hearing in this matter, which was originally established to impose a sentence for Counts One and Two of the Superseding Indictment, while awaiting disposition of Counts Three and Four. (Docket #64). Now that Defendant has pleaded guilty to all counts, the Court will hold a single sentencing hearing. The new sentencing hearing, as well as the attendant dates for completion of the presentence report, will be set by this Court after Magistrate Judge Joseph resolves the recently filed motion to withdraw from Defendant's counsel. (Docket #82).

Accordingly,

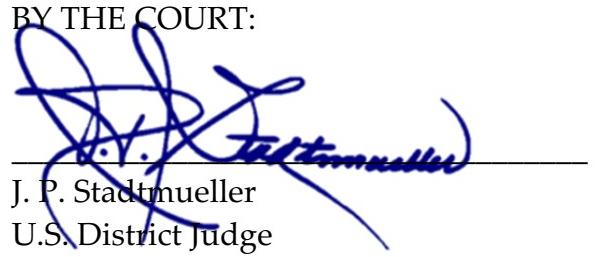
**IT IS ORDERED** that Magistrate Judge Nancy Joseph's reports and recommendations (Docket #65 and #80) be and the same are hereby **ADOPTED**;

**IT IS FURTHER ORDERED** that Defendant's counsel's motion to withdraw (Docket #82) is **REFERRED** to Magistrate Judge Nancy Joseph for disposition; and

**IT IS FURTHER ORDERED** that the November 21, 2019 sentencing hearing for Counts One and Two of the Superseding Indictment be and the same is hereby **VACATED**.

Dated at Milwaukee, Wisconsin, this 4th day of November, 2019.

BY THE COURT:



J. P. Stadtmueller  
U.S. District Judge